IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 207 of 2005

Between:

1 G.Aruna Devi W/o.P.Krishnaiah
Flat No. 104,Krishna Residency, Red Hills, Hyderanad.
2 A.Ramudu S/o.A.Yellappa, Balanagar, 1st Lancer,Hyderabad.
3 E.Ankanna S/o.Lashmanna
S1-110,Sachivalayanagar, Vanasthalipuram, Hyderabad.
4 T.Vikram S/o.T.Sarvaiah
13-1-391,R.K.Pet, Mangalhat, Hyderabad.
5 T.Ashok Kumar, S/o.T.Sarvaiah, Mangalhat, Hyderabad.

..... PETITIONERS

AND

1 Muncipal Corporation of Hyderabad rep by its Commissioner
Hyderabad.
2 The Commissioner Appeals, Urban Land Ceilings
Nampalli Station Road, Hyderabad.
3 The Special Officer and Competent Authority Urban Land Ceilings,
Hyderabad.
4 Smt.A.Bharathi W/o.A.Bharath Reddy
13-6-439/6/5, Gudimalkapur, Hyderabad.
5 M.Venkateswara Rao S/o.not known
13-6-439/A/5, Gudimalkapur, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 1st respondent in granting building permission vide permit No. B4/29 in File No. 634/CPC/tp4/2003 at premises No. 13-6-439/A/5, Plot No.2 situated at Gudimalkapur, Hyderabad as illegal arbitrary and contrary to the provisions of Hyderanad Municipal Corporation Act, 1955, and consequently set aside the same.

For the Petitioners: MR.VENKATESWARLU POSANI, Advocate

For the Respondent No.1: Mr. Ganta Rama Rao, SC for MCH

For the Respondent Nos.2 and 3: GP FOR REVENUE

For the Respondent Nos.4 and 5: Smt. A. Chaya Devi, Advocate.

The Court at the stage o admission made the following :

ORDER:

Questioning the action of the first respondent in granting building permission in favour of respondent Nos.4 and 5 vide permit No.B4/29 in File No.634/CPC/tp4/2003 at premises No.13-6-439/A/5, Plot No.2 situated at Guddimalkapur, Hyderabad, as illegal, arbitrary and contrary to the provisions of Hyderabad Municipal Corporation Act, 1955, the petitioners filed the present writ petition.

The grievance of the petitioners is that though they made a complaint dated 03-01-2005 bringing to the notice of the first respondent that respondent Nos.4 and 5 by misrepresenting and suppressing the real facts obtained the building permission, no action has been taken in the matter. Hence, the writ petition.

Heard the learned counsel for the petitioners, learned Standing Counsel for Municipal Corporation of Hyderabad and the learned counsel appearing for respondent Nos.4 and 5.

Though they raised several contentions, they agreed to dispose of the writ petition finally at the stage of admission with a direction to the first respondent to consider the complaint made by the petitioners and pass appropriate orders thereon.

In the circumstances, the first respondent is directed to consider the complaint dated 03-01-2005 said to have made by the petitioners by fixing a date of hearing, and pass appropriate orders thereon in accordance with law, after hearing all the concerned. This exercise shall be completed on or before 20-02-2005. Till such time, status quo existing as on today shall be maintained by the parties.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 28-01-2005

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To

1 The Commissioner, Muncipal Corporation of Hyderabad,
Hyderabad.
2 The Commissioner Appeals, Urban Land Ceilings
Nampalli Station Road, Hyderabad.
3 The Special Officer and Competent Authority Urban Land Ceilings,
Hyderabad.

4 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.p., Hyderabad (OUT).

5 Two CD copies.